

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RUSTEM KAZAZI; LEJLA KAZAZI; and
ERALD KAZAZI,

Movants,

v.

No. _____

U.S. CUSTOMS AND BORDER
PROTECTION; UNITED STATES OF
AMERICA; KEVIN McALEENAN,
Commissioner, U.S. Customs and Border
Protection, sued in his official capacity;
TIMOTHY STARK, agent of U.S. Customs
and Border Protection, sued in his individual
capacity; and UNKNOWN AGENTS OF U.S.
CUSTOMS AND BORDER PROTECTION,
sued in their individual capacities

Respondents.

**DECLARATION OF RUSTEM KAZAZI IN SUPPORT OF
RULE 41(G) MOTION FOR RETURN OF PROPERTY**

I, Rustem Kazazi, declare under penalty of perjury that the following is true:

1. I am a citizen of the United States, a resident of the State of Ohio, and over 18 years old. I am fully competent to make this declaration, which I make based on my personal knowledge.

2. I prepared these statements in my native language, Albanian, on December 10, 2017. My son Erald, who is fluent in both Albanian and English, worked with me to translate everything into English so I can be understood. Erald and I reviewed this declaration in Albanian, and I believe he has accurately translated everything I wanted to say.

3. I live with my wife, Lejla, and our son, Erald, at 6948 Greenbriar Drive, Parma Heights, Ohio 44130.

4. On October 24th, 2017, at 10:30AM, Lejla brought me to Cleveland's Hopkins International Airport. I booked my trip on October 12, 2017, through Panorama World Tours Travel Agency and was scheduled to travel on the following flights:

- United Airlines flight 4040, Cleveland to Newark, departing at 12:20 PM EST and arriving at 2:00 PM EST.
- Lufthansa Airlines flight 403, Newark to Frankfurt, Germany, departing at 6:05 PM EST and arriving at 7:30 AM CEST.
- Lufthansa Airlines flight 1424, Frankfurt to Tirana, Albania, departing at 10:55 AM CEST and arriving at 12:55 PM CEST.

5. Lejla helped me to claim my tickets and check in my luggage. She then left to go to work.

6. I had several reasons for my trip to Albania. First, I planned to make several repairs to our deteriorating house in Tirana. This included repairing the roof, updating the plumbing and electrical systems, and paying for past-due utilities.

7. Second, I wanted to look into purchasing a property on the Adriatic coast of Albania. Lejla and I have always dreamed of owning a home there where we, our children, and our extended family can vacation after we retire.

8. Finally, I wanted to visit with my extended family in Albania, many of whom I had only seen during a brief visit in 2014. Since I left Albania, my parents and three of my siblings have passed away. Many of my relatives are facing financial struggles, and I planned to use our money to help them any way I could.

9. In order to carry out all of these plans, and to be able to live for six months in Albania, I brought with me almost all of our family's savings: \$58,100 in U.S. cash.

10. This was the best option for my plans because contractors in Albania want to be paid in cash, using Euros or U.S. Dollars, because the Albanian Lek is not valuable. The work on our home would have been slowed down or impossible without the cash. I also wanted to avoid alerting people in Albania to the large amount of money I was bringing with me, for fear that people would find out and I would be cheated or robbed. I also wanted to avoid bank fees for transferring the money and fees for changing it into Lek or Euros.

11. \$24,667 of the \$58,100 was contributed by Erald, who earned and saved the money by working during high school and college. The rest was earned and saved by me and Lejla.

12. All of the \$58,100 was in \$100 bills.

13. I counted the money several times to be sure of the total amount. The total \$58,100 was then packaged in three parts: \$20,000, \$19,100, and \$19,000. I again counted each stack to be sure of the amounts. On the printer paper wrapping the currency, I wrote the respective amounts, as well as the date of October 20th, 2017.

14. The three parts were placed together in a small, brown, nylon bag and then placed inside an envelope that was taped closed with clear tape. On the envelope, the amount "\$58,100" was written.

15. In the carry-on bag, I also carried the receipts from recent bank withdrawals and other important personal documents, including the deed of our home in Tirana, and receipts for past-due payments for water and electricity there.

16. At the TSA security checkpoint, the agent checked my passport and tickets and sent me through the scanner. A male TSA agent also did a pat-down search of my body, which I believe was a routine pat-down search in addition to the scanner search.

17. The TSA personnel also did a search of my carry-on bags. They sent it through the scanner and then opened my bags to do a search by hand.

18. During this search, they found my money wrapped with white computer paper, placed inside an envelope that was taped closed with clear tape.

19. The TSA agents contacted U.S. Department of Homeland Security (DHS) and two female agents and one male agent came. They took my U.S. passport and Ohio driver's license.

20. They asked me some questions that I could not fully understand, as they spoke too quickly. I asked them for an interpreter and asked to call my family, but they denied my request.

21. They took me to a small room, with no windows or cameras, that had a curtain as a door. Here, one of the male Homeland Security agents did another pat down search of me. After this search, they took me out of the small room and they made me wait outside of it on a bench.

22. Two other Homeland Security men came and questioned me regarding the money as well as some other questions. I could not understand everything they were saying so I asked them for an interpreter again.

23. When I was sitting on the bench, the two DHS men searched my pockets, wallet, and my clothing. They did this even though I had already been searched two other times by colleagues of theirs and the TSA.

24. The same two DHS men made me go into the small, windowless room again for a second time. They asked me to remove all my clothing until I was completely naked. They put a blanket to cover the lower part of my body and they started searching different areas of my body. The man conducting the search was wearing rubber gloves.

25. They ordered me to put on my clothes and took me to another area, a big hall.

26. They made me sit on a chair while two women in police uniforms stood somewhat close and watched me intently. A little further out another woman in a police uniform stood with two men that were watching me as well.

27. Two agents dressed in civilian clothes took my carry-on bags and placed them on a table. They emptied the contents of my bags. They made a mess as they opened everything apart on the table during their search.

28. One of the agents introduced themselves as the boss and he took the money I was carrying in the bags. He began to interrogate me and demanded my passport and driver's license (which was already in their possession from their earlier search). Once they discussed with one another, they eventually found my passport and driver's license and returned them to me.

29. I could not understand what they were saying and demanding from me and I asked them for an interpreter again for everything to be clarified. They did not agree or attempt to bring one.

30. They asked me a question regarding how much money was being carried. I responded with "five eight" and pointed to the amount written on the printer paper wrapping the currency. On the wrapping, \$58,100 was written and I told them about whatever money I also had in my wallet.

31. Once all their searches were concluded and the money was taken, one of the agents tried to hand me a letter. I refused to accept it as the amount of currency—\$58,100—was not written on it. That was the amount that they took from me and did not want to return it when I asked.

32. I told them I had to go to stay in Albania for 6 months and that I needed it. I told them that I would take them to court if they did not return it as the money belonged to my family and we saved it over our nearly 13 years in the United States.

33. When I saw on the letter they tried to give me that the amount was not written on there, and that they did not mention anything verbally to me, I began to worry that they were trying to steal the money for themselves.

34. Again, I begged them to return my money, and said that I would no longer go to Albania if they did not return it. They did not agree to return the money and tried to force me to get onto my flight by pushing me with their hands. I refused to go. They changed direction to bring me outside to the initial airport entrance.

35. They put my bags on the ground and spoke to the supervisor at one of the baggage check-in areas regarding my checked bags for the 12:00 PM flight. They spoke to her regarding returning my checked baggage.

36. I tried to identify the agents' names, but they kept avoiding it and would refuse to give me their names. When I would ask they would back off and leave. Only one of them that was accompanying the man claiming to be the boss gave me his name after I insisted he write it on the letter. His name is Timothy Stark.

37. They took my money and swore at me using profane language. They said I could try to get my money back from the government.

38. The people conducting these searches treated me unfairly and with contempt. They looked at me with suspicion and hatred as if I were a criminal, drug dealer, or terrorist.

39. But they didn't arrest me or charge me with any crime. They cannot because I did not do anything wrong.

40. They did not allow me to take any of my medication from my bag so I could use it for my asthma and depression. I needed to take those medications at that moment. They did not allow me to take them when I requested.

41. During the investigation and searches that the agents conducted, they did not tell me that they found any evidence of any law broken. They seized my money without counting it or declaring to me the amount seized. They did not give me any information as to why they had seized it or explain what I had done wrong.

42. After this ordeal, I was completely shocked and depressed and did not know what to do. I was waiting outside the airport not knowing if I should go back home.

43. I called my wife on the phone and left her a voicemail. A little bit later, when she took her lunch break, she called me back and I told her all about the situation. She said I should still go to Albania so that my ticket would not go to waste, as I still needed to go to try and fix the problems in our house over there.

44. Lejla said this problem would not be able to be resolved within a day and that she and my son would try and deal with it.

45. As I was taking my carry-on bags from the floor I noticed that in one of the outside pockets was the letter that I had refused. It had been placed there without me knowing.

46. The names listed on the form may be Jose Silcon & Timothy Stark, but it is not easy to read them. The form says that they seized "U.S. Currency" without an amount. I have

reviewed Exhibit 4 attached to the Motion for Return of Property and it is a true and correct copy of the form.

47. I went back to the lady that was the supervisor at the airport and she helped me get onto another United Airlines flight to New Jersey so that I could still make my Lufthansa flight to Frankfurt departing from New Jersey at 6:00 PM.

48. At 3:00 PM, I left from the Cleveland Airport on a United Flight to New Jersey. I went through another TSA passport and ticket search, a physical search, and scanner. The TSA staff had changed shifts, and the new group of TSA agents did not cause any problems for me.

49. I waited a bit in a hallway in the Cleveland airport until 3:00 PM when the plane would depart. At 3:00 PM, I left for New Jersey and arrived there at 5:00 PM.

50. I exited the plane in New Jersey, but before I had entered the airport completely, a lady stopped me and asked me how much money I had on me. I told her that the DHS agents took all my money at the Cleveland airport.

51. She asked me where my wife worked, and if she was a teacher. She then left me alone as she saw I was bothered by her questions and did not want to deal with her. She let me leave.

52. At the New Jersey airport, I checked my wallet and in it I had 6000 Albanian Lek, 200 Euros, and 600 U.S. Dollars. With this money, I was able to complete my trip to Tirana, Albania, after flying through Germany. Money was also borrowed from other relatives in Albania.

53. Without the \$58,100 in cash, I was not able to repair all the problems with our house in Tirana. I was not able to explore the possibility of buying our dream vacation home.

54. Worst of all, I was not able to help my Albanian family members with their financial issues. Instead, they sometimes had to loan me money to help pay for food and other expenses during my visit.

55. I was very ashamed that I live and work in America but had to ask my Albanian family for financial assistance. That is not at all how it was supposed to happen. I should have been able to help my family.

56. Seven months after this horrible experience, I still cannot believe that this is something that can happen in the United States of America.

57. I was born and raised in Albania. There, I earned degrees from Durres Vocational Profession School, Tirana Uzina Partizani Mechanical Professional School, University of Tirana Law School, and the Ministry of the Interior (a four-year program for police officer training).

58. For 30 years, I worked with the Albanian national police in several positions, including as a police chief and as an instructor at the police academy.

59. Lejla and I were troubled by widespread corruption and economic upheaval in Albania, and we wanted better opportunities for our children's futures.

60. In 2005, my wife, children, and I immigrated to the United States on the U.S. State Department's visa lottery program. In 2010, we became American citizens.

61. For nearly 13 years since moving to the United States, Lejla and I have worked extremely hard to provide for our family. We have lived frugally and sacrificed a lot so that we could set aside savings for the future.

62. Our children have also worked very hard and sacrificed—they have both worked since they were as young as 13 years old.

63. Our life savings were accumulated through contributions from myself, my wife Lejla Kazazi, and my son Erald Kazazi. It is the product of our work of nearly 13 years in the United States and frugal saving. It was earned and saved through determination, sacrifice, and working many different jobs over a long period of time.

64. Over the years, we periodically withdrew various cash amounts from our bank account (typically between \$2,000 and \$8,000 at a time) so that we could set aside the cash for saving. We prefer to hold our savings in cash because it makes it less likely that we will be able to spend it.

65. In the approximately four months leading up to my trip to Albania, I made a few cash withdrawals totaling around \$20,000. I combined these amounts with the cash we had been saving over the years and the \$24,667 from Erald. This was how I accumulated the \$58,100 in cash that was seized from me on October 24, 2017.

66. All the cash that made up my and Lejla's contribution to the \$58,100 was acquired from a legitimate and lawful source: our joint bank account. All the money in our joint bank account was lawfully earned by me and Lejla working in a variety of positions over the years.

67. Since moving to the United States, I have worked as a busser at Golden Corral, a cleaner at Bob Evans, and a press operator at Cleveland Die Manufacturing and the Hugo Boss Factory. I have done maintenance work at Breen & Company. I have been a custodian at the William Clark Animal Hospital and a cashier and parking attendant for the Cappodora Group. Because these jobs didn't pay well, I often have held two, sometimes three jobs at once.

68. Every year since moving to the United States, we have diligently paid our federal, state, and city income taxes as required. Every year, we have retained the services of a tax preparer to assist us in this process, to ensure that we file properly and without error.

69. I have kept and carefully organized our tax documents from every year since our arrival in the United States.

70. Lejla and I have also consistently maintained the same bank account since arriving in the United States. The records from this account detail every deposit and withdrawal that we have made over the last 13 years. If the legitimacy of our savings is not believed, I am prepared to submit every W2 statement; every federal, state, and city income tax statement; and every bank statement showing that my family's savings were earned legitimately.

71. The money we are demanding CBP return to us was saved through nothing more than our hard work, effort, and sacrifice. Not a single penny came from a "smuggling/drug trafficking/money laundering operation."

I declare under penalty of perjury that all the foregoing is true and correct.
Executed this 30th day of May 2018.

/s/ Rустем Kazazi

Rustum Kazazi